

REMARKS

The present application includes claims 1-50. Claims 1-50 have been rejected by the Examiner. By this Amendment, claims 1, 18, 29, 38, and 47 have been amended.

By this Response, claims 1, 18, 29, 38 and 47 have been amended to recite that the medical image and medical information are associated for transmission in a medical-image format compatible format based on a common identification element.

Claims 1-10, 12-24, 26-35, and 37-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,260,021 (“Wong”) in view of U.S. Pat. No. 6,678,703 (“Rothschild”) and further in view of U.S. Pat. No. 7,000,186 (“Gropper”).

Claims 11, 25, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Rothschild and further in view of Gropper and even further in view of U.S. Pat. No. 6,078,925 (“Anderson”).

Claims 47-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Gropper.

The Applicant now turns to the rejection of claims 1-10, 12-24, 26-35, and 37-46 under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Rothschild and further in view of Gropper.

As previously discussed, Wong generally relates to computer-based medical image distribution. As stated at col. 3, lines 18-21, Wong discloses an approach to resolve incompatibilities and lack of uniformity of access to PAC and RI systems. Beginning at col. 10,

line 48, Wong discusses an object server receiving client object requests generated by a GUI from user input. The object server interprets the requests and forwards them to appropriate image and/or report interface engines. The responses from the engines are composed and transmitted to the client workstation for presentation by the GUI to the user.

In addition to deficiencies previously discussed by Applicant, Wong does not teach or suggest requesting or storing links or references to the desired image and/or report information. More particularly, Wong does not teach or suggest the image and/or report interface engines providing links to the requested image and/or report information. Rather, Wong teaches the requested image and/or report information being returned in the response from the appropriate interface engines. When a request is made by a user for image and/or report information, that image and/or report information is returned by the appropriate interface engines for display to the user. Thus, transmitting, storing, or returning links or references to the requested image and/or report information would defeat the purpose of Wong, as the image and/or report information are needed to be displayed to the user.

Additionally, Wong does not teach or suggest associating and transmitting both medical images and medical information in a medical-image format compatible format. That is, both the medical images and medical information are in a common format appropriate for medical images. Conversely, Wong discusses converting medical images to a uniform image structure and converting medical report data to a uniform object-oriented medical report structure. See, e.g., col. 3, lines 42-46 and col. 4, lines 16-30. Wong also makes no mention of associating the medical image and medical information based on a common identification element.

Rothschild generally relates to medical image management. More specifically, Rothschild discusses, beginning at col. 17, line 66, storing each image at three separate locations,

including the imaging center and two central data servers. As stated at col. 8, lines 22-29, Rothschild provides a medical image management system that pushes electronic records containing medical images to healthcare providers outside of a medical imaging center soon after the images are taken so that healthcare providers may view the images without need to remotely access a central image storage site. Thus, Rothschild aims to distribute and store electronic records containing medical images.

As previously discussed, Rothschild does not teach or suggest requesting or storing links or references to the desired image and/or report information. More particularly, Rothschild does not teach or suggest the imaging center or central data servers requesting or storing links to medical images. Rather, Rothschild is designed to distribute and store the medical images themselves. Thus, requesting, transmitting, and/or storing links or references to images would defeat the purpose of Rothschild. Moreover, Rothschild does not teach or suggest associating a medical image and medical information for transmission in a medical-image format compatible format based on a common identification element.

Gropper relates to creating a single electronically-transmittable document have links in the document which do not affect the integrity of the document. Abstract. The document includes a text portion and an endnote portion including link information to other ancillary information. Abstract. The endnote provides links to ancillary information but does not ensure that they are in a common or compatible format. Col. 1, lines 8-12. In fact, the report of Gropper (the medical information or non-image data) is expressly not modified. See, e.g., col. 2, lines 10-13. Thus, to convert the medical report of Gropper into a medical-image compatible format would be antithetical to the teaching and objective of Gropper. See, e.g., col. 2, lines 48-

50. Put more simply, Gropper teaches away from such a conversion. This limitation, however, is recited in the pending claims of the present application.

Additionally, the linking of Gropper that occurs in the endnote to a text report is a manual process completed by a user. Col. 4, lines 39-43. However, the medical image and medical information of the pending claims are automatically associated based on a common identification element. Gropper also does not teach or suggest storing and transmitting medical images and related medical information together in a medical-image format compatible format.

Independent claims 1, 18, 29, 38 and 47 have been amended to clarify that medical information and medical images are stored and associated for transmission in a medical-image format compatible format based on a common identification element. As discussed above, none or Wong, Rothschild, or Gropper teaches or suggests such a combination of limitations. Therefore, the Applicant respectfully submits that the rejection of claims should be withdrawn and a notice of allowance should issue.

The Applicant now turns to the rejection of claims 11, 25, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Rothschild and further in view of Gropper and even further in view of Anderson. Anderson relates to a computer program product for database relational extenders. As disclosed beginning at col. 5, line 22, relational extenders define and implement new complex data types in a database. A relational extender essentially extends relational database tables with the new data types. As shown in Fig. 3 and discussed at col. 6, lines 26-35, Anderson may suggest storing a reference to an external file as part of a general relational extender model. As indicated at col. 8, lines 8-10, the external file contains actual object data and may reside on a file server.

However, as discussed above, the requesting, transmission, and/or storage of links to medical information and/or medical images would defeat the purpose of Wong and Rothschild. Thus, there would be no motivation to combine Anderson with Wong and Rothschild as any capability of storing a reference to an external file provided by Anderson would run counter to the purpose of Wong to provide such information or images to a client on request and Rothschild's purpose to distribute copies of images. Additionally, the text report with endnote system of Gropper does not address conversion or translation from an HL7 format to an SQL format. Furthermore, as discussed above, none of Wong, Rothschild, Anderson or Gropper teach or suggest associating a medical image and medical information for transmission in a medical-image format compatible format based on a common identification element.

Therefore, the Applicant respectfully submits that claims 11, 25, and 36 are in condition for allowance because the corresponding independent claims from which they depend are allowable, as discussed above.

The Applicant now turns to the Examiner's rejection of claims 47-50 under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Gropper. However, as discussed above, neither Wong nor Gropper teaches or suggests a medical image and medical information associated for transmission in a medical-image format compatible format based on a common identification element. Additionally, neither Wong nor Gropper teaches or suggests requesting such an associated medical image and medical information from a remote data center. Neither Wong nor Gropper teaches or suggests providing a link to medical information from a medical information source to an interface unit, providing a link to a medical image from a medical image source to an interface unit and combining the link to the medical information and with the

link to the medical image. Neither Wong nor Gropper then teaches providing that combination to the remote data center. Therefore, neither Wong nor Gropper can render the combination of limitations found in independent claim 47 and dependent claims 48-50 unpatentable.

The Examiner has made several statements which could be interpreted as the Examiner asserting Official Notice of the subject of the statements. For example, in relation to claims 1 and 47-50, the Examiner states that “[o]ne of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of linking medical images with report text, as is common in the art, without modifying or interfering with the report text ...”

If the Examiner is asserting Official Notice that the subjects of these statements are common knowledge, the Applicant respectfully traverses the Examiner’s assertions. Alternatively, if the Examiner’s assertion is based on the personal knowledge of the Examiner, then under MPEP § 2144.03(C) and 37 C.F.R. § 1.104(d)(2), the Examiner’s assertion must be supported by an affidavit from the Examiner.

In addition, the Applicant respectfully submits that the Examiner’s assertions are not well known in the art as evidenced by the searched and cited prior art. The Applicants respectfully submit that the Examiner has performed “a thorough search of the prior art,” as part of the Examiner’s obligation in examining the present application under MPEP § 904.02. The Applicant respectfully submits that the cited references found during the Examiner’s thorough and detailed search of the prior art are indicative of the knowledge commonly held in the art.

However, in the Examiner’s thorough and detailed search of the relevant prior art, none of the applied prior art teaches or suggests the subject matter of the Examiner’s assertions of Official Notice. The Applicant respectfully submits that if the subject matter of the Examiner’s

assertions of Official Notice had been of “notorious character” and “capable of instant and unquestionable demonstration as being well-known” under MPEP § 2144.03(A), then the subject matter would have appeared to the Examiner during the Examiner’s thorough and detailed search of the prior art.

If the Examiner had found any teaching of relevant subject matter, the Examiner would have been obligated to list the references teaching the relevant subject matter and make a rejection. Consequently, the Applicant respectfully submits that the prior art does not teach or suggest the subject matter of the Examiner’s assertions of Official Notice and respectfully traverse the Examiner’s assertions of Official Notice.

CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GEMS-IT, Account No. 50-2401.

Respectfully submitted,

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